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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,027	09/24/2003	Michael C. Centers	TITUS-P001	7847

7590 08/15/2006

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EXAMINER
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HAGEMAN, MARK

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,027	<b>Applicant(s)</b> CENTERS ET AL.	
	<b>Examiner</b> Jonathan R. Miller	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/2/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11,13,14,16,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11,13,14,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lease et al. The reference discloses a first vibrating screen (42) of at least 2 feet in width, with means for classifying compressed material from news screen fines between about 6 inches and about 3.5 inches, and second vibrating screen (22) of predetermined width comprising means for classifying to less than about one inch, and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above (Fig. 7) wherein the adjustable pneumatic separator classifies material, and a rotary airlock, drop box and cyclone (Fig. 6) for processing a portion of the material, wherein the adjustable pneumatic separator portion is located at the end of the second vibrating screen and supplies the drop box, rotary air lock and the cyclone, wherein the drop box precedes the rotary airlock and the cyclone is after the drop box (Fig. 6).

3. Lease et al. fails to explicitly disclose the dimensional limitations of the screens. At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize different screen dimension to effect different sorts depending on the material to be treated, to achieve the advantage of an adaptable screening system suitable for a myriad of materials.

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4. With regards to claim 14, the reference further discloses starting with news screen fines compressed material, classifying to a first size (42), classifying to a second size (22), pneumatically separating with a first air stream flowing up from below and second air stream exhausting from above (Fig 7), and adjusting the quantity of the first air stream and the quantity of the second air stream wherein the pneumatically separating step classifies news screen fines material in to a heavy portion and a light portion (col. 4, lines 8+), and processing a portion of material from the news screen fines through a rotary airlock, drop box and cyclone (Fig. 6)).

5. With regards to claim 17, the reference further discloses a first vibrating screen (42) that classifies compressed material, and second vibrating screen (22) which classifies into a second portion and transports a third portion to a pneumatic separator (Fig. 7) and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above wherein the adjustable pneumatic separator classifies the third portion into a heavy portion and a light portion, wherein the relative quantities of the first and second air stream are adjustable (col. 4, lines 8+), and a rotary airlock, drop box and cyclone for processing material from said compressed material, wherein the adjustable pneumatic separator portion is located at the end of the second vibrating screen and supplies the drop box, rotary air lock and the cyclone, wherein the drop box precedes the rotary airlock and the cyclone is after the drop box (Fig. 6).

6. The reference fails to specifically disclose the size limitations of the separated streams. At the time of the invention, it would have been obvious to one of ordinary skill in the art to base the size of the separations upon the material being treated to achieve an optimized apparatus and method.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 11, 13, 14, 16, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of the independent claims, the language “first air stream flowing up from below and second airstream being exhausted from above” renders the claims indefinite, as there is no frame of reference. From below and from above what?

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrm



**PATRICK MACKEY**  
**PRIMARY EXAMINER**